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STEPHEN B. DAVIS BRISTOL-MYERS SQUIBB COMPANY PATENT DEPARTMENT P O BOX 4000 PRINCETON, NJ 08543-4000

EXAMINER

ANDERSON, REBECCA L

ART UNIT PAPER NUMBER

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Rebecca L Anderson 1626		Application No.	Applicant(s)		
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. THE MAILING DATE OF THIS COMMUNICATION. The control from may be a evaluable sundance of the cover in the cover			LIAN ET AL		
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Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	1) Notice of References Cited (PTO-892)	8) 5) Notic	e of Informal Patent Application (I	No(s) · PTO-152)	

Art Unit: 1626

DETAILED ACTION

Claims 1-13 are currently pending in the instant application and are objected.

Cancelled claims 14-22 were cancelled in applicant's amendment filed 21 March 2003 as Paper No. 7.

Election/Restrictions

Applicant's election of Group I, claims 1-13 and the election of the species of example 1(page 108, Table 1) in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The election of the compound of example 1 has resulted in the following generic concept:

The compound of formula (I) wherein:

A¹, R³, p, R^{9e}, R¹¹ and R^{11b} are as found in claim 1,

 A^2 is A^3-R^{9a} ,

 $W \text{ is } -B(OR^{26})(OR^{27}),$

 R^1 is selected from the group: H, F; C_1 - C_6 alkyl substituted with 0-3 R^{1a} ; C_2 - C_6 alkenyl substituted with 0-3 R^{1a} ; C_2 - C_6 alkynyl substituted with 0-3 R^{1a} ; and C_3 - C_6 cycloalkyl substituted with 0-3 R^{1a} ,

R^{1a} is selected at each occurrence from the group; CI, F, Br, I, CF₂, CHF₂, OH,=O, SH,

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 $\mathbf{R^2}$ is selected from the group: H, C₁-C₄ alkyl, C₂-C₄ alkenyl, C₂-C₄ alkynyl, C₃-C₄ cycloalkyl, and C₃-C₄ cycloalkyl(C₁-C₄)alkyl)-,

 R^4 is selected from the group: C_1 - C_6 alkyl substituted with 0-3 R^{4a} ; C_2 - C_6 alkenyl substituted with 0-3 R^{4a} ; C_2 - C_6 alkynyl substituted with 0-3 R^{4a} ; C_3 - C_{10} cycloalkyl substituted with 0-4 R^{4b} ; C_3 - C_{10} carbocycle substituted with 0-4 R^{4b} ; aryl substituted with 0-5 R^{4b} and aryl- C_1 - C_4 alkyl substituted with 0-5 R^{4b} ,

 R^{4a} is, at each occurrence, independently selected from: H, C_1 - C_4 alkyl substituted with 0-3 R^{4b} ; C_2 - C_4 alkenyl substituted with 0-3 R^{4b} ; C_2 - C_4 alkynyl substituted with 0-3 R^{4b} ; C_3 - C_7 cycloalkyl substituted with 0-4 R^{4c} ; C_3 - C_{10} carbocycle substituted with 0-4 R^{4c} ; and aryl substituted with 0-5 R^{4c} ,

 R^{4b} is, at each occurrence, independently selected from H, C_1 - C_4 alkyl substituted with 0-3 R^{4c} , C_2 - C_4 alkenyl substituted with 0-3 R^{4c} ; C_2 - C_4 alkynyl substituted with 0-3 R^{4c} ; C_3 - C_6 cycloalkyl substituted with 0-4 R^{4d} and aryl substituted with 0-5 R^{4d} ,

 R^{4c} is, at each occurrence, independently selected from: H,C₁-C₄ haloalkyl, C₁-C₄ haloalkoxy; C₁-C₄ alkyl substituted with 0-3 R^{4d}; C₂-C₄ alkenyl substituted with 0-3 R^{4d}; C₂-C₄ alkynyl substituted with 0-3 R^{4d}; C₃-C₆ cycloalkyl substituted with 0-4 R^{4d} and aryl substituted with 0-5 R^{4d},

 ${\bf R^{4d}}$ is, at each occurrence, independently selected from: H, F, Cl, Br, I, -NO₂, -CN, -NCS, -CF₃, -OCF₃, =O and OH,

 R^{9a} is selected from the group: H, C_1 - C_6 alkyl substituted with 0-3 R^{9c} ; C_2 - C_6 alkynyl substituted with 0-3 R^{9c} ; C_3 - C_6 cycloalkyl alkenyl substituted with 0-3 R^{9c} ; C_3 - C_6 cycloalkyl

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substituted with 0-3 R^{9d} ; C_3 - C_{14} carbocycle substituted with 0-4 R^{9d} and aryl substituted with 0-5 R^{9d} ;

 R^{9c} is selected from the group: C_1 - C_6 alkyl substituted with 0-3 R^{9d} ; C_2 - C_6 alkenyl substituted with 0-3 R^{9d} ; C_2 - C_6 alkynyl substitutes with 0-3 R^{9d} ; C_3 - C_6 cycloalkyl substitutes with 0-3 R^{9e} ; C_3 - C_{14} carbocycle substituted with 0-4 R^{9e} and aryl substituted with 0-5 R^{9e} ,

 R^{9d} is selected at each occurrence from the group: C_1 - C_4 alkyl substituted with 0-3 R^{9e} ; C_1 - C_4 alkoxy substituted with 0-3 R^{9e} ; C_3 - C_6 cycloalkyl substituted with 0-3 R^{9e} and aryl substituted with 0-5 R^{9e} ,

OR²⁶ and OR²⁷ taken together, form: e) a cyclic boronic ester where said cyclic boronic ester contains from 2-20 carbon atoms and

A³ is L-valine.

The remaining subject matter of claims 1-13 that is not drawn to the elected invention identified supra stands withdrawn from consideration as being drawn to a non-elected invention, 37 CFR 1.142(b). The withdrawn subject matter of 1-13 is properly restricted as it differs materially in structure and element from the elected subject matter identified supra so as to be patentably distinct there from. A reference which anticipated but the elected subject matter would not even render obvious the non elected subject matter. Accordingly, restriction, as has been required, is proper.

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Claim Objections

Claims 1-13 are objected to for containing non-elected subject matter. Said claims presented drawn solely to the elected subject matter identified supra would appear allowable.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (703) 605-1157. Mrs. Anderson can normally be reached Monday through Friday 7:00AM to 3:30PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph McKane, can be reached at (703) 308-4537.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone numbers are (703) 308-1235 and (703) 308-0196.

A facsimile center has been established. The hours of operation are Monday through Friday, 8:45AM to 4:45PM. The telecopier numbers for accessing the facsimile machine are (703) 308-4242, (703) 305-3592, and (703) 305-3014.

Rebecca Anderson Patent Examiner Art Unit 1626, Group 1620

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